

though it has a waiver provision in the amendment for the President's ability to respond to the dangerous situations that can occur in the very dangerous world in which we live.

The fact is—I know it has been mentioned, but I reiterate—the Secretary of Defense, the person charged with the constitutional responsibility of deployment of the Armed Forces, has four-square clearly stated that this amendment, while well intended, is certainly not a good amendment. It would dramatically limit the Nation's ability to respond to other national security needs while we remain engaged in Iran and Afghanistan. Secretary Gates, in a letter of September 18 to Senator GRAHAM, indicated clearly his concern. He goes on to mention some other concerns.

General Petraeus announced—and the President affirmed—that there would be troop drawdowns in Iraq in the upcoming weeks. In fact, this amendment could have the effect of extending the tours of duty of troops in Iraq beyond their currently scheduled rotation.

There is another thing that bothers me. I think we also need to think about our constitutional scheme, how our Government is organized and ordered. Constitutionally to enact an amendment such as this would clearly be an encroachment on the constitutional duties of the Commander in Chief. This is not an area where the Congress is welcomed to dictate. We have one Commander in Chief, not 535. We only elect one at a time. This Commander in Chief has a Secretary of Defense. It is their responsibility under our form of Government to determine what our troop rotations should be.

There are other very practical considerations of why this should not happen, why this is a bad idea. The Secretary of Defense goes into several items in his letter. But it does make sense, when you look at it, that units do not always stay together. Following an individual rather than a unit and following the deployment of an individual rather than that of a unit is something that would be cumbersome, difficult, and, in fact, not a way in which we would be, in this very dangerous time, having to run our military. The fact is, there is something here which is maybe the most underlying and important reason of all why this amendment is not a good idea, which is the clear desire and design of the amendment to limit the options of our military forces to maintain the current policy in Iraq. We ought to not use the good intentions and the good ideas about our soldiers, about our troops and their rotations, to have an underlying mission of simply saying, they can't keep this up so they will have to pull troops out. We will change policy by dictating how troops are rotated in and out of the battlefield. The fact is, that could have serious consequences for our Nation as other nations would view this as a vulnerabil-

ity. It would be viewed as a weakness, as a fact that the United States is overextended and incapable of responding to crisis. It is these kinds of misperceptions and misunderstandings that can lead irresponsible states to take irresponsible actions that could lead to frightening scenarios in the very dangerous world in which we live.

It is important to also note that many of the members of our Armed Forces consider it a privilege and an honor to serve this Nation at this difficult time. My recent trip to Iraq was in Tikrit. While there, I visited with a number of troops, some of them Floridians, all proud of their service. Over 90 percent of those troops had already reenlisted, knowing full well of our involvement in Iraq, knowing what the expectations of their service would be during their time of reenlistment, and they had voluntarily reenlisted. Reenlistment rates of those serving in the theater are larger than those of any other. It is a testament to their courage, valor, and sense of duty to their country. We would demean their service if we were to say to them that there had to be parity between the time in service out of the country and the time at home.

The goal ought to be for us not to have 15-month deployments. The hope would be that these would never be necessary. But a mandate from Congress that this is how we must operate our Armed Forces is ill-conceived. It is dangerous and does not serve either the national interest of the Nation or the interest of the soldiers on the field whom it is intended to serve. We should not have a subterfuge of policy to change direction in Iraq heaped on the backs of our brave men and women in uniform. If, in fact, there is the thought that this policy is wrong and it should be changed—and I know many Members feel that way; there has been plenty of debate about this issue—there ought to be the courage to say: We will not fund the troops. If you can't do that, you shouldn't do it this way. This is unnecessary. It is cumbersome, and it will be detrimental to the national security of the country.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Michigan.

DWELL TIME

Mr. SMITH. Mr. President, I rise today in support of the Webb-Hagel dwell time amendment. Our service men and women are under constant strain, spending more time in theater than they have with their families. These men and women are risking their lives to protect this country, some on their fourth tour in Iraq. Their bodies are aching and their minds are stressed, but by the time they become acclimated to home life, they are sent back into combat. Something must be done to prevent the breakdown of our military and the men and women who

serve. This amendment would provide our troops ample rest and recuperation, time to visit with family, and an opportunity to extract our troops from the stress of war.

The Oregon National Guard has served admirably since we began combat operations in 2001. I could not be more proud of their contributions to the war on terror while still serving as the foundation of their families and communities.

Many citizen-soldiers have been on multiple deployments for over a year at a time, placing a significant strain on their families, employers, and communities. The amendment will give our soldiers predictability by preventing surprise deployments. Providing a consistent schedule allows them to plan for this disruption. Often, these men and women are the core of the community, the major breadwinner of their family or a needed caregiver and require advanced notice to plan for such a major disruption in their lives.

If current enlistment levels do not allow us to provide our troops with the rest and recuperation needed to protect our Nation, then we must examine increasing the number of volunteer troops, both Active Duty and Reserve.

For the past 10 years, we have shrunk the National Guard and ignored their call for needed resources. As a country, we are finally realizing the importance of our citizen-soldiers. They serve admirably in combat operations overseas, they provide help at home in the face of a natural disaster or emergency, and they are the bedrock of our community. Giving them some stability in their lives is the least we can do.

I urge my fellow Senators to join me in supporting the Webb-Hagel dwell time amendment.

Mr. DODD. Mr. President, for 4 long years, our Nation has been engaged in a war without a clear objective, exit strategy, or international mandate, and the consequences of such policies have been devastating. Our moral standing in the world has plummeted. Iraq is now mired in civil war, and terrorists have found a recruiting and training ground for attacking American troops. But few effects of this war are more troubling than the destructive impact this war has had on our Armed Forces.

Approximately 3,800 brave American servicemembers have been killed in Iraq, and tens of thousands have been severely wounded. Military families have been forced to endure long and repeated stretches of time without their loved ones. And most significant, our forces have been stretched thin to a near-breaking point. This can be seen in the ever increasing number of suicides among our returning servicemembers, alltime low reenlistment rates, and the destruction of our military families. The adage is true—we recruit a soldier, but we retain a family. And if that family is broken, so, too, will be the soldier.

While long deployments are testing our troops in the field, they are also

taxing critical stocks of combat gear and training time. According to some reports, over two-thirds of our Army and 88 percent of our National Guard are unable to report for duty due to equipment shortfalls and insufficient military instruction stateside.

The bipartisan Webb amendment is an important step toward restoring our military's readiness and providing the important support that our servicemembers and families need and deserve.

It would implement two simple principles—if a unit or member of a Regular component of the Armed Forces deploys to Iraq or Afghanistan, they will have the same time at home before they are redeployed. No unit or member of a Reserve component, including the National Guard, could be redeployed to Iraq or Afghanistan within 3 years of their previous deployment.

These are the very principles incoming Secretary of Defense Robert Gates committed to months ago. And now, the distinguished junior Senator from Virginia has modified his proposal to address objections raised concerning both the time the Pentagon needs to implement it and the flexibility needed for our special operations forces, SOF.

Senator WEBB's amendment now allows 120 days for the Department to implement its provisions and provides exceptions for SOF. But as is clear, the administration still objects to any interference by this body in how we expect our troops to be treated. Of course, this body has a unique role in the governance of our Armed Forces. Specifically, article 1, section 8 of the Constitution states that the Congress shall have the power to, "make rules for the Government and Regulation of the land and naval Forces." Obviously, the Founding Fathers of this great Nation had a very specific idea of how the Congress should behave with respect to the troops—that Congress, and Congress alone, should have the power and authority to govern and regulate our forces. We can see first hand the tragedy that occurs when the administration is given a free hand to engage our troops in conflict without any oversight from this body—and we should reassert our constitutional prerogative.

Since the war's beginning I have tried to advance initiatives that would reverse the administration's irresponsible defense policies, so that our troops would be prepared and protected in combat and our country made safer. In 2003, I offered an amendment to the emergency supplemental appropriations bill to add \$322 million for critical protective gear identified by the Army that the Bush administration had failed to include in their budget. But it was blocked by the administration and their allies. In 2004 and 2005, I authored legislation, signed into law, to reimburse troops for equipment that they had to purchase on their own because the Rumsfeld Pentagon failed to provide them with the body armor and other gear they needed to stay safe.

And last year, working with Senators Inouye, Reed, and Stevens, I offered an amendment to help address a \$17 billion budget shortfall to replace and repair thousands of war-battered tanks, aircraft, and vehicles. Without these additional resources, the Army Chief of Staff claimed that U.S. Army readiness would deteriorate even further. This provision was approved unanimously and enacted in law. But much more remains to be done.

Senator WEBB's amendment is an important first step, but it is only the first step. Ultimately, we need to withdraw our combat forces as quickly as possible. This can only be accomplished by changing our mission in Iraq, and it will only be accomplished when this body finally stands up to the administration and their failed policies and enacts legislation that will bring our troops home. I strongly support this amendment and hope all of our colleagues do as well.

Mr. KENNEDY. Mr. President, the war in Iraq has severely overstretched and strained our military personnel and their families. According to many of our foremost experts, we're actually in danger of breaking our military.

Frequent and extended deployments are over-taxing our brave military men and women and their families and our support structures at home. It's reducing our ability to adequately train our soldiers, sailors, airmen and Marines.

The men and women of our military forces signed up in the belief that they were going to defend America, and preserve our way of life. Instead, they find themselves entangled in an Iraqi civil war that is not theirs to win or lose.

Their repeated and extended deployments breach the trust they have in their government. We as a Congress must do everything we can to ease the strain.

The Department of Defense itself has set a goal of 2 years at home for every year deployed, and that makes sense. It gives servicemembers time to be with their families, and re-establish the bonds that we all take for granted.

It also gives our servicemembers time to train—not just for a return to Iraq, but for other missions we may ask them to undertake.

Because of the President's misguided war and his so-called surge, the Department of Defense can no longer meet this goal.

As General Casey, Chief of Staff for the Army said last month, "Today's Army is out of balance. We're consumed with meeting the current demands and we're unable to provide ready forces as rapidly as we would like for other contingencies; nor are we able to provide an acceptable tempo of deployments to sustain our soldiers and families for the long haul."

What does the General mean when he says the army is "consumed with meeting current demands?"

Over 1.4 million American troops have served in Iraq or Afghanistan; More than 420,000 troops have deployed more than once.

The Army has a total of 44 combat brigades, and all of them except one—the First Brigade of the Second Infantry Division, which is permanently based in South Korea—have served at least one tour of duty in Iraq or Afghanistan, and the majority of these 43 brigades have done multiple tours: 17 brigades have had two tours in Iraq or Afghanistan; 13 brigades have had three tours in Iraq or Afghanistan; and 5 brigades have had four tours in Iraq or Afghanistan.

Army recruiting is struggling to maintain the current force structure, let alone meet its goal of increasing its overall end strength over the next 5 years.

The Army missed its recruiting goals for both May and June by a combined total of more than 1,750, and it's borrowing heavily on future commitments to meet its goals for this year.

Spending on enlistment and recruitment bonuses tripled from \$328 million before the war in Iraq to over \$1 billion last year.

The Commandant of the Marine Corps, James Conway, says his marines can't focus on conventional operations because training time is too scarce.

It's an impossible situation. Our military is strained—some would say already broken—and we face a crisis in recruiting.

We can't continue to sacrifice our Nation's security and the readiness of our forces while Iraq fights this civil war. This amendment will give General Conway and General Casey the time they need to make sure that our forces are ready and able to defend our country against any threat. It will also show our appreciation for the men and women who serve our country so well. I urge my colleagues to support this amendment.

Mr. LEVIN. Madam President, over 4 years of war have stressed our Armed Forces to the breaking point. Our Army and Marine Corps are stretched dangerously thin. They are performing magnificently, as they always do. Chronic personnel and equipment shortages plague our nondeployed forces resulting in dangerously low readiness. As a nation, we simply do not have the ground forces necessary, nor are the few uncommitted forces trained and ready, to protect our interests against other threats around the world. As Army Chief of Staff GEN George Casey put it:

The demand for our forces exceeds the sustainable supply.

Nearly 1.6 million servicemembers have been deployed to Iraq or Afghanistan. Of the Army's 43 active brigades available for rotation, 10 brigades have been deployed three or more times. All others have been deployed once or twice, with the exception of one new brigade just forming. Of course, the single brigade stationed in Korea does not deploy as part of the Iraq or Afghanistan rotation. All of our National Guard combat brigades have at least one rotation to Iraq, Afghanistan, or

Kosovo. Two National Guard combat brigades have two rotations. Guard brigades from Indiana, Arkansas, Ohio, Oklahoma, Minnesota, and New York have been notified that they should be prepared to deploy at the end of this year.

Through the first part of this year, units pushed to Iraq as part of the surge strategy barely had enough time to make up their personnel and equipment shortages or complete their training. Inadequate time to prepare for war puts a unit at risk when sent into harm's way.

We have the responsibility to make sure that our forces have adequate time available to prepare and then use that time to best advantage. We have accepted too much risk for too long.

Senator WEBB's amendment goes to the heart of this obligation, ensuring that our forces have the time they need to recover and prepare. Multiple rotations and insufficient dwell time inherently raise readiness risks. Units must have the time necessary to fully man, equip, and train prior to their next deployment. Readiness reports we receive here in Congress consistently show that most of our nondeployed units are not ready to deploy, and those getting ready to deploy to Iraq and Afghanistan do not have personnel and equipment necessary for comprehensive training until very late in their preparation. In order to provide some relief for the personnel shortages in next-to-deploy units, the Army is cutting training at its important officer and NCO schools. The Army has gone so far as to institute a 6-day training week at many of these schools to accelerate getting troops back to their units. For soldiers, especially young leaders and instructors just back from deployment, working a 6-day week starts to make dwell time feel a lot like deployment. Insufficient dwell time contributes to retention challenges, especially among young officers.

There is ample evidence that multiple long deployments are impacting our troops' mental health and family stability. Servicemembers and their families, particularly among our young officers and NCOs, are voting with their feet, leaving the military rather than endure the uncertainty and turmoil in their families' lives. There is no greater threat to the quality and viability of our all-volunteer force than the loss of these combat-experienced young leaders.

The Webb amendment exempts our special operations forces. Their deployment cycles are always irregular, their readiness sustained at much higher levels, and their ability to respond to emergencies is critically important. The exemption in this amendment preserves that flexibility.

Servicemembers and their families are weary of the deployment cycle and uncertainty about timing and length of deployments. They are eager for greater predictability about when and for how long troops will be at home or de-

ployed. The Webb amendment will require the DOD to make earlier strategic and operational decisions which will result in greater predictability and stability for troops and their families.

The Webb amendment will incentivize the Department of Defense to greater certainty in the implementation of unit and individual rotation policies. Controlling deployment cycles is the only way to rapidly stop the dramatic loss of readiness in our non-deployed and next-to-deploy units. Controlling deployment cycles is the only way to provide the fastest possible relief to our troops and their families. Controlling deployment cycles is a critical step in preserving our all-volunteer military system. The Webb amendment deserves the support of this Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, the issues relating to Iraq have been very complex, have aroused an enormous national reaction, and have been consuming for those of us in the Congress trying to decide what is the best course of action.

Had we known Saddam Hussein did not have weapons of mass destruction, I do not think we would have gone into Iraq. But once there, we do not want to leave precipitously, and we do not want to leave Iraq in an unstable condition with all of the potential forces that might bode ill for the United States in the future with respect to terrorism, with respect to Iran moving into a vacuum, and many complex problems which might arise.

The President, in his recent speech, and General Petraeus and Ambassador Crocker, in their testimony before Congress, have gone to considerable distance in trying to move toward some of the areas of concern. There have been commitments of troop withdrawal before Christmas. There are projections for additional troop withdrawal next year. There has been a modification to some extent of the mission. But still there is an unease with the current policy.

I voted against the Levin-Reed amendment when it came before the Senate because I think it is unwise to fix a firm date of withdrawal. It just gives the insurgents a target date to shoot at to declare victory.

I think the provisions of the Warner-Lugar amendment had much to recommend them and joined as a cosponsor. I have already expressed on the floor my concern that the Warner-Lugar amendment was not called before the Senate. I think its thrust to have required a report by the President

by October 15 and the possibility of a withdrawal date later but leaving the ultimate discretion to the President would have been a step forward. It would have imposed an obligation on the part of the President, the administration, to come forward with a plan.

I have also cosponsored the Salazar-Alexander amendment, which incorporates the findings of the independent study group. I believe that is a general outline which is desirable to follow. Again, I expressed my concern when the majority leader took down this bill before calling up the Salazar-Alexander amendment. I have cosponsored that as an outline. Again, it does not place the administration in a straitjacket but outlines certain goals and certain objectives.

I believe the idea advanced by Senator BIDEN for some time now, to divide Iraq into three parts—the Shiites, the Sunnis, and the Kurds—where those factions have been engaging in violent warfare, is an idea which is worth pursuing. Again, that is a matter which has to be decided by the Iraqi Government, not by the Congress of the United States, but Senator BIDEN has couched it in the form of a resolution, really, on what amounts to a recommendation.

I have been considering the amendment offered by the junior Senator from Virginia, Mr. WEBB. I discussed the issue with him last week and since that time have undertaken to try to find out what the impact of the Webb amendment would be on force projection.

I met with LTG Carter Ham last week. General Ham is in charge of operations at the Joint Chiefs of Staff.

During the course of that meeting, General Ham outlined the projection by the Department of Defense that they could meet that 1-to-1 ratio—12 months in Iraq and 12 months at home, which is the thrust of the Webb amendment—that they could meet that objective by October 1, 2008, the beginning of the next fiscal year. General Ham was not supportive of the Webb amendment because he raised a number of concerns that on its face, if you enact the Webb amendment, there are troops in Iraq now who will have to stay longer. There would have to be additional calls to the Reserves and National Guard. There might be a need to take people out of units which would impact on morale, but that if there were an October 1 date, 2008, that the 1-to-1 ratio could be achieved, according to the Department of Defense projections.

Earlier today, at the invitation of Senator WARNER, I met to talk again to LTG Carter Ham and to LTG Lovelace who works with General Ham. During the course of that meeting, the target date of October 1, 2008, to be the 1-to-1 ratio was reaffirmed. There was an additional factor injected into the discussion, and that is the factor of some 5,500 additional troops in a variety of categories, special forces and others, where this 1-to-1 ratio could not be met by October 1.

Following that meeting, I have had telephone conversations with Secretary of Defense Gates and National Security Adviser Hadley to get some sense of the position of the Department of Defense and the administration. Secretary Gates confirmed the ability of the Department of Defense to meet in general terms the 1-to-1 ratio by October 1, 2008. He talked about some other difficulties and, obviously, is not endorsing any plan. The administration would prefer not to have any congressional action on this subject. Similarly, after an extended telephone conversation with National Security Adviser Hadley, I heard the reasons there is opposition—the difficulty of knowing whether the factors on the ground will be as they are projected now, and they are resisting congressional action which would tie the hands of the administration.

In considering these issues, I have been very concerned about the problems of micromanaging the Department of Defense by the Congress. There is no question we are not equipped to do that. I have studied the constitutional law aspects, and I studied the case of *Fleming v. Page* [50 U.S. 603 (1850)], a decision by Chief Justice Taney, and the case of the *United States v. Lovett* [328 U.S. 303 (1946)], decided by the Supreme Court in 1946. I am well aware of the authority, the broad authority the Constitution vests in the President under Article II as Commander in Chief, but I am also cognizant of the authority of the Congress under Article I, Section 8: “To raise and support Armies;” “To provide and maintain a Navy;” “To make rules for the government and Regulation of the land and naval Forces;” “To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States.”

We have seen the Supreme Court recently strike down executive action on military commissions, saying it is the function of the Congress of the United States, and the Congress has acted there. So there is authority for the Congress on that premise, in addition to our power of the purse, our power of appropriation.

I have discussed the matter with Senator WEBB and have indicated—have stated an interest on my part in supporting the Webb amendment, if the concerns which have been expressed to me by the Department of Defense could be accommodated, and that is a change of date to October 1, and an accommodation of the 5,500 specialty forces that cannot be enumerated. Of course, there is the waiver provision which is already present in the Webb amendment. I asked about the possibility of deferring the vote. I think that if there was an understanding by other Senators about the ability of the Department of Defense to meet a 2008 October 1 date, and the flexibility needed on some 5,500 additional troops, there might be some

additional interest in the amendment. I am told, at least as of this moment of 4:36, the vote is going to go ahead 5:15. But I have discussed the matter, as I say, with the sponsor of the amendment, Senator WEBB.

There is also the obvious factor that what we do here is unlikely, in any event, to have the full effect of law. If the Webb amendment gets 60 votes and is embodied in congressional enactment, it is virtually certain to be vetoed by the President of the United States, and there are not 67 votes to override a Presidential veto. But our function in the Congress is to exercise our best judgment and pass what we think is appropriate. Then, under our constitutional system, it is the prerogative of the President to either sign or veto. So we take all of these matters a step at a time. There is a lot of concern in the Congress of the United States about what is happening now, and an interest in, if it can be structured, congressional action which would be helpful. All of this is obviously very involved and requires a lot of analysis and consideration.

I think it would be a very helpful thing for the U.S. effort, generally, if the Congress and the President could come to an agreement on a policy and a plan without leaving it solely to the discretion of the executive branch. The Congress is going to continue funding, and I have voted for that. We are not going to put the troops at risk. We are not going to set times for withdrawal. It is possible we could use the Vietnam model, where funding existed up to a certain date on the condition that the troops be reduced to a certain number and then by another date. That hasn't been tried, but I think it unlikely the Congress is going to go that route. We are too concerned about the troops and we want to support them, but we are also gripped with a sense of unease as to what is happening.

There is agreement between the Department of Defense, for the purpose of Senator WEBB's amendment, that the stays in Iraq are too long. We have noted the increase in the suicide rate, the increase in the divorce rate, the increase in psychiatric problems and stress disorders. The policy of the Department of Defense is to have 2 months at home for every 1 month in Iraq for the Army; 5 months at home for every 1 month in Iraq for the Reserves. We are far from that. So we are struggling and groping to try to find an answer. In the course of the remaining time before the roll is called, I am going to see if it is possible to find some constructive way forward and some rational basis for the vote I will cast.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I have watched and listened to the debate today on the floor of the Senate. It is a debate in many ways that is similar to debates we have had on previous occasions, and I know there are people on all sides who feel passionately about these issues. I respect differences of opinion. I respect those who come to the floor and say: Here is how I see it, here is what I believe, and here is what I think we should do.

This is a very important issue. There is so much at stake for our country with respect to this issue of the war in Iraq. It casts a shadow on virtually everything else we consider and do in public policy and our relationships around the world. It is a situation I think that requires us to do the best we can to develop public policy that finds a way to extract ourselves from what has largely become a civil war with sectarian violence in the country of Iraq, and take the fight to the terrorists.

I wish to raise a few points about fighting terrorism, even as I come to the floor to support the amendment offered by Senator WEBB. I think it is an amendment that has great merit and an amendment that will be supportive of the best interests of this country in pursuing the war against terror.

Let me say there have been a series of reports—an almost dizzying number of reports and speeches and testimony over the last several weeks—about the status of the war in Iraq and the performance of the Iraqi Government. There are claims and counterclaims; I expect there is spinning on all sides of these issues. Much of it has been about whether the U.S. military surge of 30,000 troops since January 2007 has worked and about the benchmarks—about whether the Iraqi Government has been willing to or has made progress in meeting benchmarks it has promised to meet to do its job, to justify U.S. troops fighting and dying in their country. Through all of that, it seems to me there are three facts that are clear. First, only political reconciliation among the Shiites, the Sunnis, and the Kurds will stop the civil war that rages in Iraq. Only political reconciliation will ultimately solve this problem.

Second, the Iraqi Government has made very little progress—perhaps some in several areas but in the main very little progress toward the needed reconciliation.

Third, terrorism remains the No. 1 threat to the United States. The July National Intelligence Estimate makes the case. This is not coming from me; this comes from a July 2007 National Intelligence Estimate. The unclassified portion says:

Al-Qaida is and will remain the most serious terrorist threat to the homeland. We assess that the group has protected or regenerated key elements of its homeland attack capability, including: A safe haven in the

Pakistan federally administered tribal areas, operational lieutenants, and its top leadership.

Let me say again that it says that "al-Qaida is and will remain the most serious terrorist threat to the homeland." We know that as of last week, Osama bin Laden, the leader of al-Qaida, al-Zawahiri, and others who lead al-Qaida are still speaking to us through videos and through voice tapes, giving us their version of the world. These are people who have boasted about murdering innocent Americans on 9/11, and six years later, they remain in what the National Intelligence Estimate says is somewhere on this planet that is secure or safe. It is almost unbelievable to me that there is a "safe haven" anyplace on this planet for the people who have boasted of initiating the 9/11 attacks against this country, but that is what our National Intelligence Estimate says—they are in a safe haven.

There ought not be 1 square inch on planet Earth that is safe for the leadership of al-Qaida. How did we come to this point of having a safe haven for those very terrorists who initiated the attacks against this country and who, as our most recent National Intelligence Estimate says, remain the most serious terrorist threat to our country? How have we reached that point? What has been happening while we have surged troops in Iraq? Well, as I indicated, Osama bin Laden released two videos, one on September 7 and one on September 11. He boasted about the 19 hijackers who did the killings on September 11 and rambled on about the coming downfall of America, as is his custom.

Regardless of what Osama bin Laden has said, our National Intelligence Estimate says that al-Qaida is back stronger than ever and terrorism remains the No. 1 threat to the U.S. homeland. I think we need a set of policies that focuses on fighting terrorists first. Frankly, what is happening in Iraq is not the central fight on terrorism. It seems to me the central fight on terrorism is to eliminate the leadership that represents the greatest threat to our country, and they are not in Iraq. That leadership, we are told by the National Intelligence Estimate, is in a safe haven in the Pakistan federally administered tribal areas.

I don't mean to say that dealing with that would be easy or without difficulty. I do mean to say that if this represents the judgment of our National Intelligence Estimate, and if we know—and we all do—that those who boasted about initiating the 9/11 attacks are there and are pledging additional attacks against our homeland, it seems to me that should be where we focus our country's priority of action.

We are told, by the way, that the leadership of that terrorist organization that is, again, the most serious threat to this country—we are told they have regenerated.

Here is a September 11 story quoting our intelligence officials. The headline

is "Al-Qaida's Return: The Terrorists Have a Sanctuary Once Again." In the last week or so, we have seen terrorist arrests in Denmark and in Germany, and we see that these arrests, particularly in Germany, are for terrorists plotting attacks against large U.S. military bases. Those attacks against our military base in Europe are being plotted by terrorists who have trained in Pakistan, which is the very area where the Intelligence Community says Osama bin Laden has regenerated his terrorist training camps in the tribal area.

Madam President, this issue of a sanctuary for terrorists to begin planning additional attacks against our country, as they are apparently now doing, it seems to me ought to claim our attention and ought to claim the policy debate about what is the approach this country might best use.

My colleague from Virginia comes to the floor with respect to this issue of the war in Iraq. What are we doing in the war in Iraq? What about the surge and the road ahead? What about the Petraeus report? My colleague has made an important argument on the Senate floor about the strength of the U.S. military if you don't provide ample opportunity for the U.S. military to have sufficient time home from the battlefield to rest and regenerate and also sufficient time for additional training.

Madam President, the point of the amendment offered by Senator WEBB is to provide a sufficient opportunity for troops who are on station, on duty in a war zone 24 hours a day, to give them time to retrain, rest, and refresh. You cannot have a fighting force that doesn't have that opportunity. That is what my colleague from Virginia is suggesting in his amendment.

My point about this is that as we discuss how to deal with these issues in Iraq, we are, on a course at the moment that says our mission in Iraq is to go door to door in Baghdad in the middle of sectarian violence or a civil war. My point is, while that is going on, while we are in the middle of a civil war in Baghdad with our soldiers—and, yes, there is some al-Qaida presence there, but that is not the majority of what is happening there; it is largely a civil war. While we are doing that, here is what we are understanding and knowing. This is not a claim, this is what we know: "Europeans Get Terror Training Inside Pakistan." We picked them up in Denmark and Germany. We find out that the terrorists are being trained in Pakistan. We are told that is where the al-Qaida leadership is, reconstituting its base, its strength, building new training camps. We picked up the people who are threatening to attack the largest military installation owned by the United States in Europe.

Should that surprise us? Not if we have been reading the newspaper. We don't have to read the intelligence; we can just read the newspaper.

This is a New York Times newspaper story from February 19 of this year.

This is from our intelligence officials talking about what they know:

Senior leaders of al-Qaida, operating from Pakistan over the past year, have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials. American officials said there was mounting evidence that Osama bin Laden and his deputy, al-Zawahiri, have been steadily building an operations hub in the mountainous Pakistan tribal area of north Waziristan.

Now we have picked up terrorists who were trained there. We are told by the National Intelligence Estimate that the greatest threat to our country is from the al-Qaida organization and the leadership of al-Qaida, who are now planning terrorist attacks against our homeland. That is the greatest threat to our country. So what are we doing? We are going door to door in Baghdad in the middle of a civil war while there is a "safe haven" on this Earth, apparently, for the leadership of al-Qaida. Is there common sense missing here? Would one not think those who boasted of murdering 3,000-plus Americans on 9/11, 2001, that they would have long ago been apprehended? President Bush was asked about this, and he said, "I don't think about Osama bin Laden and the leadership of al-Qaida." I really think we ought to take the fight to what the National Intelligence Estimate insists is the greatest threat to our country, and I don't believe that is happening.

I support the effort of my colleague from Virginia. I think that amendment is one which will give our military the opportunity to retrain, rest, and be refreshed and represent the kind of fighting force we want and need. All of us are proud of our American soldiers who walk in harm's way.

There is a verse about those soldiers and patriots:

When the night is full of knives and the drums are heard and the lightning is seen, it's the patriots that are always there ready to step forward and fight and die, if necessary, for their country.

We have a lot of patriots who got up this morning and put on body armor and are walking in harm's way on behalf of this country. What we owe them, it seems to me, as policymakers is our unyielding support for whatever they need to finish their job. In addition, we owe them good policy that focuses on attacking and destroying and eliminating the greatest terrorist threat to this country. And nobody should take it from me; take it from the National Intelligence Estimate of July of this year. The greatest terrorist threat to our country is Al-Qaida.—I will put the chart back up:

Al-Qaida is and will remain the most serious terrorist threat to the homeland.

The NIE says that they have a safe haven in Pakistan. So that is the fight—to eliminate the greatest terrorist threat to our homeland. There ought not to be a square inch of safe haven anywhere on this planet for that group.

I yield the floor.

Mr. LEVIN. Madam President, I ask unanimous consent that the time between now and 5:20 p.m. be for debate with respect to the Webb amendment 2909, with the time divided as follows: Senator DURBIN be recognized for 5 minutes; at 5:05, the majority leader be recognized for 10 minutes; and at 5:15, for 5 minutes, which would be immediately prior to the vote, it be equally divided and controlled between Senators MCCAIN and WEBB or their designees; and that at 5:20, without intervening action or debate, the Senate proceed to vote on the amendment; further, that upon disposition of the Webb amendment, there be 10 minutes of debate with respect to the McCain-Graham amendment No. 2918, with the time equally divided and controlled between Senators MCCAIN and WEBB; that upon the use or yielding back of time, the Senate proceed to vote on the amendment; that no amendment be in order to either amendment in this agreement; that each amendment must achieve 60 votes to be agreed to, and if neither vote achieves 60 votes, it be withdrawn; that if either amendment receives 60 votes, then it be agreed to and the motion to reconsider be laid upon the table.

Mr. CARPER. Reserving the right to object, earlier I asked for some time. I asked for 10 minutes, but I would like to have at least 5 minutes before the vote. If we can do that, I would appreciate it.

Mr. MCCAIN. That would make the vote at 5:25. I have no objection.

Mr. LEVIN. So Senator CARPER would be after Senator DURBIN for 5 minutes, and everything else will be delayed for 5 minutes.

Mr. MCCAIN. Parliamentary inquiry: Is it necessary to call up amendment No. 2918 or is it in order according to the unanimous consent agreement?

The PRESIDING OFFICER. It will need to be called up.

AMENDMENT NO. 2918 TO AMENDMENT NO. 2011

Mr. MCCAIN. At this time, I call up amendment No. 2918 to be in order according to the unanimous consent agreement propounded by the Senator from Michigan.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2918.

The amendment is as follows:

(Purpose: To express the sense of Congress on Department of Defense policy regarding dwell time)

At the end of subtitle C of title X, add the following:

SEC. 1031. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE POLICY REGARDING DWELL TIME RATIO GOALS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the wartime demands in support of Operation Iraqi Freedom (OIF) and Operation

Enduring Freedom (OEF) placed on the men and women of the Armed Forces, both in the regular and reserve components, and on their families and loved ones, have required the utmost in honor, courage, commitment, and dedication to duty, and the sacrifices they have made and continue to make in the defense of our nation will forever be remembered and revered;

(2) members of the Armed Forces who have completed combat deployments in Iraq and Afghanistan should be afforded as much "dwell time" as possible at their home stations prior to re-deployment; and

(3) consistent with wartime requirements, the Department of Defense should establish a force management policy for deployments of units and members of the Armed Forces in support of Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) as soon as practicable that achieves the goal of—

(A) for units and members of the regular components of the Armed Forces, providing for a period between the deployment of the unit or member that is equal to or longer than the period of the previous deployment of the unit or member;

(B) for units and members of the reserve components of the Armed Forces, and particularly for units and members in the ground forces, limiting deployment if the unit or member has been deployed at any time within the three years preceding the date of the deployment; and

(C) ensuring the capability of the Armed Forces to respond to national security needs.

(b) CERTIFICATIONS REQUIRED.—The Secretary of Defense may not implement any force management policy regarding mandatory ratios of deployed days and days at home station for members of the Armed Forces deployed in support of Operation Iraqi Freedom or Operation Enduring Freedom until the Secretary submits to Congress certifications as follows:

(1) That the policy would not result in extension of deployment of units and members of the Armed Forces already deployed in Iraq or Afghanistan beyond their current scheduled rotations.

(2) That the policy would not cause broader and more frequent mobilization of National Guard and Reserve units and members in order to accomplish operational missions.

(c) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the provisions of any force management policy and any attendant certification requirement under subsection (a) or (b), and the applicability of such a policy to a member of the Armed Forces or any group of members, if the Secretary determines that the waiver is necessary in the national security interests of the United States.

Mr. LEVIN. Mr. President, with that modification, I ask that the unanimous consent request be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, I understand that under the agreement, I have 5 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Madam President, I rise in support of the Webb amendment. What is the Senator from Virginia, a Marine Corps veteran from Vietnam, trying to do? It is actually easy to state. He wants to make sure

that when our troops are deployed, they have at least as much time home between deployments as they do the length of the deployment. If they are deployed for a year, they will have a year at home before they are deployed again. If they are deployed 15 months, they will have 15 months at home before they are deployed again.

Madam President, you have been to Iraq and I have been there, too—three times. I do not profess to be an expert on the military. That is not a field of my training or expertise, but I talk to those who are. The last time I visited Iraq, I went to Patrol Base Murray, south of Baghdad 12 miles, part of the surge, the Third Infantry Division, Fort Stewart, GA, and saw the Illinois soldiers and others. I had a little lunch with them.

As I was starting to leave, one of the officers came over to me and spoke to me privately. Do you know what he told me? He said: Senator, 15 months is too long. These troops have to be on guard every moment of every day for roadside bombs and snipers and other dangers.

He said: After 12 months, I work so hard to keep them on their toes so they come home safe and protect the soldiers who are with them. Fifteen months is too long. He told me: I am a career soldier. My wife knew what we were getting into long ago. So I leave, but it is tough on my family.

He said: When I left Fort Stewart, GA, my daughter was in the sixth grade. When I get back home, she will be in the eighth grade. I will have missed a year in her life. That is the price we pay.

He said: These young soldiers with babies at home, they are e-mailing their wives every single day. They are hearing how the babies are growing up and the problems the family is having. At the end of the year, they can't wait to go home, and we tell them: Give us 3 more months.

I said: What about the 12 months in between deployments?

He said: It is not enough; 12 months is not enough time to reconstitute our unit, retrain them, equip them, give them time with their families so they can get their lives back together. Twelve months is not enough.

I said: How much time do you need?

He said: Twice that. Give us 2 years. That is what it takes.

That is the reality of this war on the ground. So when we hear the arguments being made by Senators that somehow we should not, as a Senate, be sticking our nose into the business of how they manage the military overseas, I am sorry, but that is part of our constitutional obligation. We do not just declare the war and send the money; we have responsibilities that reach far beyond that.

Over the years, Congress has spoken to the number of troops our country will have. It has spoken to whether those troops can be deployed overseas. It has passed laws restricting Presidents from sending troops overseas

without at least 4 months or 6 months of training. We have restricted the roll of women in the military. Time and again, Congress has spoken under its constitutional authority to make certain our military is treated properly. That is part of my responsibility as a Senator. It is part of every Senator's responsibility.

Calling this micromanagement is unfair to our troops. Our soldiers and their families are making more sacrifices than any of us serving in this Chamber today. They are risking their lives at this very moment. All they ask for is a little more time to be with their families, a little more time to get their unit combat ready before it is sent out again.

Senator WEBB knows this story because he lived it in Vietnam as a marine. He knows it as a father of a soldier who is in Iraq today. We should know it too, and we should understand something as well. It is true, as someone once said, war is hell, but politicians should not make it any worse, and we are making it worse when we push these soldiers to the limit.

Look at the numbers coming back to us: Divorce rates among our soldiers now reaching record highs, suicide rates higher than any time since Vietnam, cash incentives to bring people into the military and keep them at a record level of \$10,000 and \$20,000, waiving the requirements so we can fill the ranks with people who have not graduated from high school or have some criminal records. These are the realities of the Army today.

For the President to stand and boldly say, "I am sending the troops into battle" is to ignore the reality. Many of our warriors are weary. Having fought the good fight and stood up for this country, they deserve for this Senate to stand up for them and adopt the Webb amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is recognized.

Mr. CARPER. Madam President, I rise in support of the Webb amendment. I have had a chance to think about this issue that is before us today wearing a hat other than my hat as Senator. During my time in the Vietnam war, I served 5 years active duty as a naval flight officer. I spent 3 tours in Southeast Asia with my squad. I spent another 18 years after that as a Naval Reserve flight officer, staying current in the P-3 aircraft and was made mission commander of that aircraft.

Then for 5 years before I came to the Senate, from 1993 to 2001, I wore another hat. I was commander in chief of the Delaware National Guard, a force that served in the last 15 years in two wars—the Persian Gulf war and the Iraq war to date.

So I have had a chance to think about this issue, not just as a person who helps set policy for our country but someone who has worn a uniform on active duty in a hot war, wore a uni-

form in the Cold War, and then as commander in chief of my State's National Guard.

When I first heard of this idea that Senator WEBB had come up with of equaling the Active-Duty deployed time with the dwell time folks have to catch up, to retrain, reunite with their families for Active-Duty personnel, I had some questions about it. I know others do as well.

One of the questions I had was, what if the President or what if the Secretary of Defense felt a particular individual with certain skills or unit that brought certain attributes to a fight were needed. Could the President or the Secretary of Defense intercede and be able to say: We need this individual, we need this unit. As it turns out, that concern has been addressed.

What if you had an individual who said: I know I am entitled to 12 months downtime or 2 years downtime, dwell time back home. I don't want to use it. I want to go back and serve. The question is, Does this amendment allow that to happen? And it does.

A number of legitimate questions have been raised not just as to the intent but the practical effect of the legislation, and I believe they have been addressed in a good way.

Another concern was, if we adopt this amendment, if it is passed as part of a Defense authorization bill and the President signs it, does it take effect immediately. If this provision were to take effect immediately, I would not want to be Secretary of Defense or Secretary of the Navy. I would want to have time to try to make this work. It is not going to be easy, but given a reasonable amount of time, it could work.

To his credit, Senator WEBB changed the early language of the amendment, I think after consulting with Secretary Gates, in order to say we are going to provide, after enactment of this provision, after it is signed into law, 4 months during which the Secretary of Defense and our services have a chance to figure out how we actually work with this provision and make it work.

I thank the Senator from Virginia for providing the kind of flexibility that is needed if we are going to enact this kind of legislation. I think it is good policy. I believe some major concerns that I and others had have been addressed.

My last point is I wish to talk about what it is like to be a reservist or guardsman. My Active-Duty squad flew out of the naval air station at Willow Grove, PA, north of Philadelphia. I tell my colleagues, if the men—and we were all men in my squadron at that time—if we thought we were going to be deployed a year or two, come back and then go back a year or two, we would not have had much in terms of reenlistment and reupping. They would be gone. It is not a question of patriotism, that is the fact. They have families to support. They have jobs. In their own lives, they have businesses, in some cases, to run. They need the kind of

break that is envisioned in this legislation to enable them to not just be a patriot, to be a reservist, to be a citizen twice over but to always keep commitments to their families, keep commitments to their employers, and keep commitments, in many cases, to their employees, to the businesses they have started and gone on to run.

This is a good provision. It is a good proposal. It is better actually than the proposal we voted on several months ago. I urge my colleagues, particularly those who are on the fence—most people have made up their minds—particularly those on the fence, they can vote for this amendment not just in good conscience but I think knowing the questions that needed to be addressed have been addressed and that the people who will benefit from this will very much appreciate our taking this step.

I yield back my time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, there will come a time in the not-too-distant future when people will write about what we as a Senate did, what we as a Congress did regarding this intractable war in which we find ourselves in far-away Iraq.

I approach my comments today recognizing people are going to look back at what we do to make sure our country is safe and secure and that we have done everything we can to make sure not only is our country safe and secure but we do everything we can to allow the men and women in our military to be safe and secure.

The fight to end the war in Iraq and refocus our efforts against those who attacked us on 9/11 has now raged in this Chamber and throughout the country for months—no, not months, for years.

On one side, Democrats stand united to responsibly end the war, to begin to bring home our brave soldiers, marines, airmen, and sailors, and refocus our attention to Osama bin Laden, his al-Qaida operatives, and others around the world who seek to do us harm.

On the other side, most of our Republican colleagues, including some who have publicly questioned the current course, stand with the President and his failed policies. Seven Republicans have previously voted courageously for this amendment. The amendment is better than it was last time. Certainly they should vote that way again.

We on this side of the aisle are not going to stop waging the hard but necessary fight to responsibly end this war. Today we have the opportunity to take an important step in that direction by voting for an amendment upon which all of us, Democrat or Republican, can and should agree.

Regardless of where we stand on this war, we should stand as one in our commitment to keeping our military the strongest in the world. We can only sustain that strength if our men and women in uniform are given the respect they deserve and the opportunity

to reset, rebuild, and restore their capabilities. That is not a Democratic talking point or a Republican talking point. It is common sense, and in this debate it is long overdue.

On President Bush's watch, our military and their families have been stretched to the breaking point. This is not idle talk. Every single one of the Army's 38 available combat brigades is either deployed, just returning or scheduled to go to Iraq or Afghanistan, leaving no fresh troops to replace the five extra brigades sent to Iraq earlier this year. Most Army brigades have completed two or even three tours in Iraq or Afghanistan, with one, the 2nd Brigade of the 10th Mountain Division, having served four tours already.

The Army has been forced to rely on a so-called \$20,000 "quick-ship" bonus to meet recruiting goals, paying soldiers \$20,000 to stay in the military, in part to make up for last year's shortage of military officers. We are 3,000 officers short, and the number is only projected to rise.

Eighty percent of our National Guard and Reserves have been deployed to Iraq or Afghanistan and are serving an average of 18 months per deployment.

Those National Guard and Reserves remaining in the United States have 30 percent of the essential equipment they need because so much of it has been shipped overseas, destroyed, in need of repair, or now obsolete. Thirty percent is what they have in case of an emergency, and they have to help in this country. We have all heard of the heavy personal toll this overburdening of our military is taking. Let me give two examples.

First, the heartbreaking story of Army PFC Travis Virgadamo of Las Vegas. Travis was a boy who loved his country. What did he want to do? He wanted to go in the military, and he did that. He loved serving in the military. He saw it, as his family said, as his calling. Yet after months of serving in Iraq—and here is how he described it, "being ordered into houses without knowing what was behind strangers' doors, walking along roadsides fearing the next step could trigger lethal explosives"—and he said other things, but that is enough—the horrors were more than this 19-year-old could take.

He sought therapy. He wanted to have somebody help him with his emotional status while he was overseas, but he got nothing. He came home, asked for help, and was given some medicine and forced to go back to Iraq. He felt as if he wasn't going to be able to do his job. His family knew it. They talked about it. As I said, he was given medicine and sent back for his second tour of duty. Travis was, I repeat, 19 years old when he committed suicide after going back to Iraq for just a matter of weeks.

The ordeal he went through was sadly far from unique. Is this fair? Is this fair to those other troops he was asked to serve with and who relied upon him? The answer is no.

Last year, the Veterans Affairs Department reported that more than 56,000 veterans of Iraq and Afghanistan had been diagnosed with mental illness—56,000. Many of them had been sent back into battle without receiving adequate care.

A second example. SGT Anthony J. Schober, a 23-year-old from northern Nevada, was killed in May in an ambush while serving his fourth tour of duty. I had the chance to speak with Anthony's family—his grandfather. Before returning to Iraq for the last time, Anthony told his grandfather and other family members he knew he wouldn't be coming home. He had survived too many explosions, in his words. Too many of his buddies were killed who were with him.

Madam President, if my time expires, I will use my leader time.

Travis and Anthony died as heroes. Our troops are all heroes, but Anthony and Travis weren't machines, they were people, one 19 years old, one 23 years old. They sacrificed so much—all our troops have—and asked for so little in return. We want to give them something in return. That is what this amendment is all about.

With gratitude for their service and recognition that our national security demands no less, I rise to once again support the amendment offered by JIM WEBB, representing the Commonwealth of Virginia. They sent to Washington to represent them in the Senate a brave man. It is more than his ability to talk and say the right thing courageously. Here is a man who is qualified to talk about this. He has been in combat. The author of this amendment is a Naval Academy graduate, a Marine Corps commander, received a Silver Star award for heroism, the Navy Cross, the Bronze Star for heroism, a couple of Purple Hearts, and was a Secretary of the Navy. His amendment, his readiness amendment, begins the critical and long overdue process of rebuilding our badly overburdened military.

It is simple, his amendment. It states:

If a member of the active military is deployed to Iraq or Afghanistan, they are entitled to the same length of time back home before they can be redeployed.

It also states:

Members of the Reserves may not be redeployed within 3 years of their original deployment—which will not only give them time to recover from deployment, but will also restore our reserve forces ability and availability to respond to emergencies here at home.

Some have tried to confuse this issue by calling it an infringement of Presidential authority. That argument was debunked the first time anyone ever suggested it. The Constitution of the United States, article I, section 8, says Congress is empowered:

To make rules for the government and regulation of the land and naval forces.

This argument is undercut even further by the fact the amendment pro-

vides ample authority for the President to waive these requirements in case of an emergency that threatens our national security. The Webb amendment establishes a new policy, but it doesn't tie the President or Congress's hands to respond to any emergency.

If we are committed to building a military that is fully equipped and prepared to address the challenges we face throughout the world—and I know we are—then we must support this amendment. If we are committed to repaying in some small measure the sacrifices our brave troops are making every day—and I know we are—then we must support this amendment.

The decision by Republican leadership to thwart the will of the majority in this body from adopting this troop readiness amendment back in July was discouraging, to say the least. And after 3 more months of keeping our troops enmeshed in a civil war, their continued effort to undermine this legislation today is simply inexplicable to me. If Republicans oppose troop readiness, they are entitled to vote against this. If Republicans don't believe our courageous men and women in uniform deserve more rest and mental health, they can vote "no" on this amendment. If they do not agree constant redeployments and recruitment shortages are straining our armed forces, they can vote "no" on this amendment. If they believe it is in our national security interest to push our brave troops and their families beyond their breaking point, then let them vote "no" on this amendment. But to stop the majority of this body from acting shows yet again that most of my Republican colleagues are much more concerned about protecting the President than protecting our troops.

Some in the administration have argued that this amendment would be too complicated for the Defense Department to enact. We, our military, can develop and deploy the best technology on Earth, and we have done that. Our stealth fighters can enter undetected into enemy territory. We can launch terrain-hugging missiles from thousands of miles away and hit a single target the size of a small window in a building. We can pay, clothe, feed, train, and manage a military force of over 2 million, plus their families. Yet we are supposed to believe that the Department of Defense can't follow one simple rule, that each and every soldier, sailor, airman, and marine must receive rest equal to their time of deployment.

Senators, please don't fall victim to the White House talking points. This amendment is for Travis Virgadamo and his family, for Anthony Schober and his family, and for the 50 other Nevadans who have given the ultimate sacrifice, and the approximately 2,800 other Americans who have died.

Because some in the minority are choosing obstruction doesn't mean all Republicans must follow in lockstep. We almost overcame Republican obstructionism on this amendment in

July. We can finally do the right thing here today. So I say to my friends, my Republican friends, this is Bush's war. Don't make it also the Republican Senators' war.

I know every single one of my colleagues, on both sides of the aisle, would agree that America's Armed Forces are the envy of the world and must continue to be. This amendment puts that commitment into action and honors our troops and prepares our Armed Forces for the serious challenges that lie ahead—and they do lie ahead.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I understand I have 2½ minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. Madam President, I think we ought to understand what this amendment is all about. In the view of the Secretary of Defense, he says:

As drafted, the amendment would dramatically limit the Nation's ability to respond to other national security needs while we remain engaged in Iraq or Afghanistan.

He goes on to say:

The amendment would impose upon the President an unacceptable choice between accelerating the rate of drawdown significantly beyond what General Petraeus has recommended, which he and other senior military commanders believe would not be prudent, and would put at real risk the gains we have made on the ground in Iraq over the past few months, or to resort to force management options that would further damage the force and its effectiveness in the field.

That is what this amendment is about. Nowhere in the Constitution does it say the President of the United States is deprived of the authority to decide when and where to send troops in a time of war. Nowhere. Nowhere in the history of this country have such restrictions been imposed or privileges assumed by the Congress of the United States. We have one Commander in Chief, and one only. To somehow assume that we would begin with Congress's 535 commanders in chief, I think, would reduce our ability to ever fight another war effectively.

Let me sum up by saying that clearly the message I am getting from the troops in the field is not that the war is lost, as the majority leader in the Senate stated last April. We are succeeding and we are winning. And with the enactment of this amendment, we will choose to lose. This is setting a formula for surrender, not for victory.

I am hearing from the troops in the field three words, three words: Let us win. They have sacrificed a great deal, as the majority leader described very dramatically. Now give them a chance to win. That is what they want. They do not want that sacrifice to be in vain.

This amendment would do exactly what the Secretary of Defense says, as well as other interested observers. I urge my colleagues to reject this

amendment. Allow this new strategy and for this great general, whom the American people had a great opportunity to see last week as he spoke to the Congress and the American people. Reject this amendment and let us win.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I wish to first say I am grateful to all the Senators who participated in the debate today, including my good friend Senator MCCAIN, for whom I have had respect for a long time.

I wish to emphasize again that this amendment provides a minimal adjustment in our rotation policies, and it does so with the notion that we can get a minimum floor underneath the deployment cycles of people who have been conducting the operational policies of the United States for 4½ years.

If we were attempting to be obstructionists or we were attempting to shut down a system, we would probably be arguing for the 2-to-1 ratio which is the goal of the Commandant of the Marine Corps and the historical tradition of the U.S. military. We are simply saying for every period you have been gone, you should have that amount of time back here at home.

This amendment is constitutional. It is well within the Constitution. I have given a memorandum that shows at least a half dozen different examples of when the Congress has put these sorts of restrictions in place when the executive branch has gone too far.

It is responsible. It was drafted with a great deal of care. We have listened. This amendment is an adjustment from the amendment that was offered last July. We have spoken with Secretary Gates. We modified the language of it. It is needed. It is needed in a way that is beyond politics, and certainly would not contribute to what some people are calling defeat.

It is needed for troop and family reasons, and that is why the Military Officers Association of America, 368,000 military officers, has supported the amendment. It is needed because the state of the debate on the Iraq war is going to continue for a long period of time. We all know that now. We know it specifically since General Petraeus's testimony.

We are going to have to resolve this in the political environment. We need to do so under a framework that protects our troops. I ask my colleagues to support it. I am very pleased we have 36 cosponsors on this amendment, and I would hope the Senate passes it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—56

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Hagel	Obama
Biden	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kennedy	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Smith
Casey	Lautenberg	Snowe
Clinton	Leahy	Stabenow
Coleman	Levin	Sununu
Collins	Lincoln	Tester
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murray	

NAYS—44

Alexander	DeMint	Lugar
Allard	Dole	Martinez
Barrasso	Domenici	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Shelby
Chambliss	Hatch	Specter
Coburn	Hutchison	Stevens
Cochran	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lieberman	Warner
Crapo	Lott	

The PRESIDING OFFICER (Ms. KLOBUCHAR). Under the previous order, requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. MCCONNELL. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2918

The PRESIDING OFFICER. There will now be 10 minutes of debate equally divided before a vote on amendment No. 2918.

The Senator from Arizona.

Mr. MCCAIN. Madam President, I again wish to express my appreciation and respect for the author of the amendment that was just considered by the Senate. I appreciate the courtesy and the level of debate that was conducted. I also always appreciate very much his brave service to our Nation.

I hope I could convince my friend from Virginia that perhaps we could have a voice vote on this, because as we know, it is a sense-of-the-Senate amendment. I will not take all of my time except to say that all Senators share the concern for the men and women of the Armed Forces and their families, as a result of the operational demands of operations in Iraq and Afghanistan.

This amendment expresses a sense of Congress—a sense of Congress, not a mandate—that consistent with war-time requirements, DOD should put into place force management policies that reflect the dwell time ratios in the Webb amendment.

The amendment is clear, however, that such dwell time policies cannot be implemented if to do so would prevent mission accomplishment or harm other

members of the force. That is why it includes a certification requirement that would have the Secretary of Defense assure Congress that such a policy would not result in extending deployments of units or members beyond their current scheduled rotation.

The amendment also includes a waiver provision that Senator WARNER suggested. It wisely provides authority to the Secretary of Defense to waive the requirements of any existing dwell time policy and an attendant certification if the Secretary of Defense determines it is necessary to do so in the interest of national security.

I again want to thank Senator WARNER, our distinguished former chairman and long-time Member of this body, who played such an important role in this whole debate and continues to.

I realize this debate on Iraq is far from over, that this is only one amendment. But I also appreciate the level of dialog, debate, and discussion on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I wish to begin this statement the same way I did the last one, by thanking the Senator from Arizona for his service and also for the quality of the debate I believe we had on the other amendment.

I would be very anxious to try to find some common ground here on something that we could agree upon that would help move this forward. There are portions of this amendment that I think are fairly useful. But I am unable to support it.

I urge my colleagues to vote against it. The first part of it is nothing more than a statement of existing policy even with the language that the Department of Defense "should" establish a force management policy.

On the second part, I have attempted several times to read it carefully. As an attorney, and as someone who used to be a committee counsel, the certifications required are very confusing. It is kind of gobbledy-gook.

I believe it would, on one level, be redundant to current policy and on the other be confusing. I don't think it is useful, and I intend to oppose it.

I yield the floor.

Mr. MCCAIN. Madam President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

Mr. LEVIN. Parliamentary inquiry: Like the previous vote, this amendment requires 60 votes?

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—55

Alexander	DeMint	McCain
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Bayh	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Biden	Graham	Roberts
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hatch	Smith
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Stevens
Cochran	Johnson	Sununu
Coleman	Kyl	Thune
Collins	Landrieu	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	
Crapo	Martinez	

NAYS—45

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bingaman	Hagel	Obama
Boxer	Harkin	Pryor
Brown	Inouye	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Cardin	Klobuchar	Salazar
Carper	Kohl	Sanders
Casey	Lautenberg	Schumer
Clinton	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 45. Under the previous order requiring 60 votes for adoption of this amendment, the amendment is withdrawn.

Mr. LEVIN. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, the Senator from Texas, I understand, is now ready to offer an amendment. We have been alternating. My understanding is he will lay down his amendment tonight, then he will speak on his amendment for some period of time, and then we will pick that up tomorrow morning. There may very well be a side-by-side amendment relative to the Cornyn amendment. We do not know, though, until we see that amendment. Then I would ask unanimous consent that—I do not have my ranking member here, however, so I am going to withhold the unanimous consent request. It is my intent to ask unanimous consent that after Senator CORNYN lays down his amendment and speaks on it, that we then move into morning business. That is my intent as soon as—all right, it turns out that has been cleared on that side.

Madam President, I ask unanimous consent that after Senator CORNYN is

recognized, lays down his amendment, speaks to it, we then go into morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to set the pending amendment aside to send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. If I could say for the record—and I am going to withdraw my objection—we passed a rule that provided something that many Members are not aware of: that before an amendment would be considered at the desk, a copy would be given to both sides of the aisle before the amendment debate begins. I am not picking on my colleague and friend from Texas, but I only object for the purpose of raising that rule so we can start enforcing it. I think it is only fair that both sides see the amendment before the debate begins.

I withdraw my objection because I do not want to prejudice my friend from Texas at this point. But in the future, I hope we can all live by that rule.

Mr. CORNYN. Madam President, I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Madam President, could the request be restated? I apologize.

Mr. CORNYN. Madam President, I ask unanimous consent that the pending amendment be set aside, that I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

AMENDMENT NO. 2022 WITHDRAWN

Mr. LEVIN. Madam President, reserving the right to object—and I will not object—I understand Senator LEAHY has now authorized me to withdraw his amendment which is pending, so it will avoid, perhaps, that pendency requirement for future amendments.

So I withdraw now the Leahy amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is withdrawn.

Is there objection to the request of the Senator from Texas?

Mr. LEVIN. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2934 TO AMENDMENT NO. 2011

(Purpose: To express the sense of the Senate that General David H. Petraeus, Commanding General, Multi-National Force-Iraq, deserves the full support of the Senate and strongly condemn personal attacks on the honor and integrity of General Petraeus and all the members of the United States Armed Forces)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2934:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF SENATE ON GENERAL DAVID PETRAEUS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Senate unanimously confirmed General David H. Petraeus as Commanding General, Multi-National Force-Iraq, by a vote of 81-0 on January 26, 2007.

(2) General Petraeus graduated first in his class at the United States Army Command and General Staff College.

(3) General Petraeus earned Masters of Public Administration and Doctoral degrees in international relations from Princeton University.

(4) General Petraeus has served multiple combat tours in Iraq, including command of the 101st Airborne Division (Air Assault) during combat operations throughout the first year of Operation Iraqi Freedom, which tours included both major combat operations and subsequent stability and support operations.

(5) General Petraeus supervised the development and crafting of the United States Army and Marine Corps counterinsurgency manual based in large measure on his combat experience in Iraq, scholarly study, and other professional experiences.

(6) General Petraeus has taken a solemn oath to protect and defend the Constitution of the United States of America.

(7) During his 35-year career, General Petraeus has amassed a distinguished and unvarnished record of military service to the United States as recognized by his receipt of a Defense Distinguished Service Medal, two Distinguished Service Medals, two Defense Superior Service Medals, four Legions of Merit, the Bronze Star Medal for valor, the State Department Superior Honor Award, the NATO Meritorious Service Medal, and other awards and medals.

(8) A recent attack through a full-page advertisement in the New York Times by the liberal activist group, Moveon.org, impugns the honor and integrity of General Petraeus and all the members of the United States Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including General David H. Petraeus, Commanding General, Multi-National Force-Iraq;

(2) to strongly condemn any effort to attack the honor and integrity of General Petraeus and all the members of the United States Armed Forces; and

(3) to specifically repudiate the unwarranted personal attack on General Petraeus by the liberal activist group Moveon.org.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, if this amendment sounds familiar, it is because I offered this amendment roughly 10 days ago. In response to my colleague from Illinois, this is virtually the same amendment I offered during the consideration of the Transportation and Housing and Urban Development appropriations bill, to which the other side of the aisle raised a point of order, and it was judged not germane.

I respect that ruling on that bill, but we are back here today, 10 days later,

on the Defense authorization bill—a bill to which this amendment is clearly germane. I want to make a few points.

First of all, for my colleagues' recollection, I have in the Chamber a copy of the ad that ran on September 9, 2007, immediately before GEN David Petraeus came to testify before the Congress, along with Ambassador Ryan Crocker, the Ambassador to Iraq from the United States.

It is important for colleagues to recognize that this ad ran before the general came to testify, even though it had been well known the general would come back in September 2007 and report on progress on the fight in Iraq, both from a military as well as a diplomatic perspective.

So it is clear, at least to me, the purpose of this ad was to smear the good name of this four-star U.S. Army general, the commander of multinational forces in Iraq, before he even had a chance to make his report to the Congress and to the American people on the progress of the surge of forces and of operations in Iraq.

As the amendment, which has been read, indicates, General Petraeus is the senior commander on the ground for the United States and coalition forces in Iraq. Before the general testified, this ad placed in the New York Times—apparently at a discounted rate below the \$167,000 ad rate which ordinarily would be charged for a full-page ad in the Sunday New York Times—this ad, which was sold at a discount by the New York Times to MoveOn.Org, asks the question: “General Petraeus or General Betray Us?” and accused this professional soldier of “Cooking the Books for the White House.”

It goes on—and all of us can read—to further disparage the good reputation of this professional soldier and someone who is responsible for roughly 170,000 American men and women wearing the uniform of the United States military in Iraq.

The reason why MoveOn.org bought this false ad was because they were afraid of what General Petraeus would indeed report when he testified before Congress a week or so ago.

In fact, General Petraeus testified that “the military objectives of the surge are, in large measure, being met.”

He told us the “overall number of security incidents in Iraq has declined in 8 of the past 12 weeks,” preceding his testimony.

He said: “Coalition and Iraqi forces have dealt significant blows to Al Qaeda-Iraq.”

He said: “We have also disrupted Shia militia extremists.”

He went on to testify that “Coalition and Iraqi operations have helped reduce ethno-sectarian violence, as well [as] bringing down the number of ethno-sectarian deaths substantially in Baghdad and across Iraq since the height of the sectarian violence last December.”

He said: “The number of civilian deaths has also declined during this [same] period.”

If that sounds familiar, it is because General Petraeus's testimony was preceded by the issuance of the National Intelligence Estimate on Iraq, issued just the preceding month, which basically came to the same conclusions as General Petraeus.

The National Intelligence Estimate, of course, represents the considered opinion of the intelligence community of the U.S. Government. It is delivered by the Director of National Intelligence pursuant to requirements of Congress in law.

The National Intelligence Estimate, issued just last month by the U.S. intelligence community, found there have been “measurable improvements” in Iraq's security situation since last January before General Petraeus's implementation of the new strategy.

The NIE, or National Intelligence Estimate, found that if our troops continue to execute the current strategy, Iraq's security environment will continue to improve over the next 6 to 12 months; and that changing the U.S. mission in Iraq would erode security gains achieved thus far.

Well, it is not just General Petraeus's testimony. It is not just the National Intelligence Estimate that was rendered last month. We had a commission created by the Congress, headed by former Marine GEN James Jones, and with a group of commissioners whose cumulative military experience exceeds 500 years. Also on this commission were a number of police chiefs and other law enforcement personnel with more than 150 years of law enforcement experience.

So it is clear by virtue of their experience they have a solid basis for the judgment they rendered. Well, it is important to note that not only did General Petraeus testify, as I have indicated, not only has the National Intelligence Estimate said what I quoted, the Jones Commission also found that the Iraqi Armed Forces—the Army, Special Forces, Navy, and Air Force—are increasingly effective and are capable of assuming greater responsibility for the internal security of Iraq.

The commission—we were told before a hearing in the Armed Services Committee, on which I sit—thinks that over the next 12 to 18 months the Iraqi forces will continue to improve their readiness and capability.

I noted during the testimony of General Petraeus that this is one of the first times I can think of where the messenger was shot for delivering good news. In other words, this ad run in the New York Times before the general testified is contradicted by not only his testimony but by the National Intelligence Estimate I mentioned and the Jones Commission, representing more than 500 years of military experience. It is sad to say but true that this ad represents what I would consider to be a sign of the times.

Now, I know the distinguished majority whip is on the floor, and I recall that when I offered this bill on the

Transportation, Housing and Urban Development appropriations bill, we had a colloquy talking about: Well, everybody makes mistakes. Occasionally, people will misspeak and not accurately say what they intend to convey. But since this ad ran, since the time the distinguished majority whip and I had this colloquy, MoveOn.Org has expressed its pride at running this ad. In other words, they said they were glad for what this ad conveys. They are not ashamed of it. They didn't say it was a mistake or they misspoke; they continue to stand behind this slur on the good name of General Petraeus, a man who is sworn to uphold and defend the Constitution of the United States and to do everything in his professional ability to win the conflict in Iraq.

So even before Congress received the Petraeus-Crocker reports, we know some critics had already declared the surge to be a failure. There are those who said they didn't care what General Petraeus had to say.

Now, after General Petraeus and Ambassador Crocker have reported, some of these same people are, such as MoveOn.Org, questioning their judgment—which is their right—but also their motivation, which I think if they are agreeing with the motivation that is expressed in this ad, I respectfully disagree with them.

It is puzzling why some of my colleagues insist on moving the goalpost for our military. In fact, I think what they experience is what happens when anybody bets against the U.S. military. It is dangerous to do because they are going to lose if they are betting against the men and women of the U.S. military. I cannot fathom how the success of our troops in improving the security situation in Iraq could possibly be construed as a bad thing for our Nation, but some apparently, including MoveOn.Org, seem to think it is.

I refuse to stand by while a group such as MoveOn.Org demeans the good name of an American soldier who represents, in turn, 170,000 American soldiers, sailors, marines and airmen and Coast Guard. I refuse to stand by while this group demeans the good name of our men and women in the U.S. military who have given so much for our country. The military service of General Petraeus alone is spotless, and he has proven time and time again, with his blood, his sweat and his tears, his patriotism and his love for our country. As a matter of fact, one would be hard-pressed to find another military officer with the qualifications that are as impressive as General Petraeus. Currently serving his third combat tour in Iraq, he has literally been there and done that, and he has done it with dignity, with honor, and devotion to service.

Today, I offer all my colleagues a chance to clear the air and set the record straight. For some of them, voting for this amendment may represent a chance to show true moral courage and true political courage as well. My

amendment expresses the sense of the Senate that GEN David Petraeus and all the members of our Armed Forces are to be supported and honored and that any effort to attack their honor and their integrity should be condemned; particularly before the general was able to even deliver his testimony, where MoveOn.Org and these critics could not have known what he was going to say, and that clearly the goal of this ad and MoveOn.Org was to undermine public confidence in the messenger before the messenger even had a chance to deliver that message. My amendment expresses a sense of the Senate that General Petraeus and all the members of our Armed Forces should be protected and defended against an attack on their honor and integrity.

By introducing this amendment, I call on all Senators to tell America they do not condone such character assassination of those who are sworn to protect the very freedom we enjoy and the very system of government in which we all serve. Our military servicemembers simply deserve better. I hope all Members of the Senate would join with me in supporting this amendment.

Mr. DURBIN. Would the Senator yield for a question?

Mr. CORNYN. I yield for a question.

Mr. DURBIN. Madam President, in the 2004 Presidential campaign, I might ask the Senator from Texas, there was a group from Texas that attacked Senator JOHN KERRY and said he was undeserving of the commendations and decorations he received for his courage in fighting in Vietnam and raised questions about others who served in the military who were part of his swift boat operation. One would have to say, by any stretch, that the Swift Boat Veterans for Truth were attacking the honor and integrity of one of our colleagues who served with honor in the Vietnam war.

I would like to ask the Senator from Texas if he is prepared to remain consistent and if he is also prepared to amend his amendment to repudiate the activities, actions, and statements of the Texas-based Swift Boat Veterans for Truth organization with their unwarranted attacks on our colleague, Senator JOHN KERRY of Massachusetts, during the 2004 campaign.

Mr. CORNYN. Madam President, I am not willing to amend my amendment, as the distinguished majority whip requests. He keeps emphasizing this is a Texas-based group. I have no idea whether it is. But let me tell my colleague what the differences are between this ad and what MoveOn.Org tried to do to this good soldier and the difference between that and a political campaign.

Senator KERRY chose to run for President of the United States. You and I and others may disagree with the tactics employed by third parties in the course of a Presidential campaign, but this is not a Presidential cam-

paign. General Petraeus did not volunteer to run for political office and subject himself to the spears we all sometimes catch as part of the political process. All this general has sworn to do is to uphold and defend the Constitution of the United States and to protect this country from attacks from our enemies.

So I would say it is apples and oranges to compare what happens in a political campaign with the attack on this general in such a premeditated and vicious way as MoveOn.Org did before he was to deliver his testimony before the Congress.

Mr. DURBIN. Madam President, my friend and colleague from Texas, Senator CORNYN, has offered this amendment before. I so stated on the floor before, and I will state again, I respect GEN David Petraeus. I voted to confirm him as the commanding general of our forces in Iraq. He has served our country with distinction. It has been my good fortune to spend time with him in Iraq on two different occasions. Both times I have felt he was forthcoming and answered questions and demonstrated time and again that he was willing to wear our country's uniform and risk his life. I think the language chosen in this ad by this organization was wrong and unfortunate.

Having said that, I am troubled by the conclusion of my colleague from Texas that the Swift Boat Veterans for Truth could attack Senator JOHN KERRY for his valor and courage fighting for America in Vietnam and that for some reason we shouldn't repudiate that attack; that it is OK because it happened, as my colleague said, during a political campaign. If this is about the honor and integrity of our Armed Forces, past and present, whether it takes place during a political campaign or at half time at a football game should make no difference. If the Senator from Texas believes we should stand on a regular basis and condemn those who would attack the honor and integrity of warriors who have served this country with valor in past wars and present wars, then he should be consistent. It is totally inconsistent for him to pick one organization and to ignore the obvious: There are others who have done the same thing.

Swift Boat Veterans for Truth is a classic example of an organization that distorted the truth about Senator JOHN KERRY and others who served our country during the Vietnam war. The fact that they did it during a Presidential campaign should have absolutely nothing to do with it, if this is a matter of principle. However, if it is not a matter of principle and something else, then you would pick and choose those organizations you want to condemn or repudiate. Unfortunately, the Senator from Texas has picked one organization. He doesn't want to talk about the Swift Boat Veterans for Truth. He certainly doesn't want to repudiate them. I think they should be repudiated. What they did cast a shadow on the

combat decorations given to others during the course of that war.

What Senator JOHN KERRY did was to volunteer to serve our country, put his life on the line, face combat, stand up and fight for his fellow sailors on that swift boat, and then come back to the criticism, the chief criticism of a group known as the Swift Boat Veterans for Truth.

Now, if the Senator from Texas is going to be filled with rage over those who would cast any disparaging remarks about our military, he should be consistent. He should amend his amendment—and I will seek to do it for him, incidentally—to add the Swift Boat Veterans for Truth as a group that should be repudiated. If we are going to get into this business of following the headlines, responding to advertisements and repudiating organizations, let's at least be consistent.

Mrs. BOXER. Madam President, will my friend yield?

Mr. DURBIN. I will yield.

Mrs. BOXER. Madam President, I wish to thank my colleague very much for pointing out the inconsistency of an attack on one organization that I guess my friend doesn't admire anyway, and that is his right. It is also our right to speak the truth on this floor. The fact of the matter is the Swift Boat Veterans for Truth went after a war hero and told stories to the American people that were not true and tried to sully a hero's reputation.

But he is not the only Senator who was attacked, as my friend remembers what happened to our colleague, Max Cleland. I know he does. Here is a veteran who gave three limbs for his country—three limbs. It is harder for him, for the first 2 hours of every day, to get ready for the day than it is for the Senator from Texas or myself or the Senator from Illinois to do our work for a month. Yet this man was viciously attacked and his patriotism called into question. Oh, yes, my friend might say, it was during a political campaign. It was disgusting. So we raise these issues.

What I wish to ask my friend is this: I was thinking—as the Senator from Texas, my friend and colleague, was speaking—I was thinking about some retired generals who spoke out against this war and said they were called traitors and worse. So I am looking at ways to incorporate into this a condemnation of anyone who would attack a retired general for speaking out against a war because I think that was low and it was horrible. It was frightening because, in a way, it was saying to these retired generals that they had no voice, no independent voice.

So I wish to thank my colleague, and I wonder if he recalls these generals. I will have more details as I put together my second-degree amendment as well.

Mr. DURBIN. Madam President, I would say in response to my colleague from California that if we are going to get into the business of standing up for members of the military, past and

present, who were attacked for their positions on issues, then so be it. Let's be consistent about it. Let's remember our fellow colleague from Georgia, Senator Max Cleland, and remember what happened to him, when someone, during the course of a campaign, ran an ad suggesting he was somehow consorting with Osama bin Laden—a man who had lost three limbs to a grenade in Vietnam and who was attacked in a way that none of us will ever be able to forget.

The Senator from Texas includes in his whereas clauses, his sense-of-the-Senate clauses, to strongly condemn any effort to attack the honor and integrity of all the members of the U.S. Armed Forces. I hope if that is his true goal, he will allow us to amend his resolution to not only include the Swift Boat Veterans for Truth but those who attacked Senator Max Cleland during the course of his campaign.

I don't think the fact that it happens during a campaign absolves anybody from the responsibility of telling the truth and honoring those who served. In this case, two Democrats, Senator Max Cleland and Senator JOHN KERRY, were attacked, and there wasn't a long line of people on the floor to condemn the attackers. Now that the Senator from Texas has decided we should bring this up as part of the Defense authorization bill, I hope he will be consistent, and I hope he will consistently stand up for the reputations of the men and women in uniform, starting with General Petraeus but including those who served in this war and other wars in the past.

Each of them deserves our respect. I might add, parenthetically—it is worth saying—even if we disagree with their political views, they still deserve our respect. To attack their honor and integrity is wrong.

Mr. SMITH. Mr. President, last year the Senate enacted legislation that stripped the courts of jurisdiction to hear pending habeas claims brought by unlawful enemy combatants. It was with sadness then, as it is now, that the Senate failed to restore and protect this great writ. The writ of habeas corpus is a cornerstone of the rule of law. The right of an individual to learn of his or her detention by the government in a court of law is fundamental to our Constitution. Permanent detention of foreigners, without reason or charges, undermines our moral integrity in the world and does violence to our Constitution. It troubles me greatly that we have limited the ability of the judicial branch to ensure that detainees are being held fairly and justly by the American Government. It is my sincere hope that we will take up this amendment again in the near future.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is now in a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Texas is recognized.

CHARACTER ASSASSINATION

Mr. CORNYN. Mr. President, I will not speak long because I know my friend from Iowa is here to speak in morning business.

I do want to say that Senators certainly have every right to offer any amendment they choose, but they don't have a right to require me to modify my amendment.

I am sorry they don't acknowledge the difference between somebody who has volunteered to become a public figure, a political candidate running for election, and somebody such as General Petraeus who in the performance of his duty is reporting to the Congress on the progress in a war in which 170,000 Americans are exposed to loss of life and limb right now.

To try to resurrect the old political battles of the past with regard to what happened in the Georgia Senate race, or what happened in the race for President of the United States, we are not going to achieve consensus here. Those were political races and those people are public figures. I don't like it when I am criticized any more than my colleagues do, including Senator KERRY or Senator Cleland. But that is an apples-and-oranges comparison to somebody who is wearing the uniform of a U.S. soldier who is performing his duty to report to Congress on the progress of military operations in Iraq.

So we may head down that road. As I said, it is every right of my colleagues to offer other amendments. We will take those as they come. But I hope all of our colleagues will, as an act of solidarity and support for General Petraeus and our men and women in uniform, vote for my resolution and condemn this character assassination on the name of a good man.

I yield the floor.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Madam President, I am here to follow through on a promise I made back on June 13. At that time, after several speeches on the alternative minimum tax, I said I was going to continue talking about the alternative minimum tax until Congress took action to protect the roughly 19 million families and individuals who will be hit by it in 2007 who did not have to pay it in 2006—19 million families now affected who weren't affected last year.